REMARKS

Entry of the above amendments and reconsideration of this application are respectfully requested. Upon entry of the amendments, this application will contain claims 1-45 pending and under consideration. Preliminarily regarding claim amendments, independent claims 1, 16, 26, 30, and 42 have been amended to introduce "collagenous". Support for this amendment is found in the original claims and throughout the specification. Independent claim 31 has been amended to require that the biomaterial include submucosal tissue. Support for this amendment is found both in the original claims and throughout the specification, which discloses the use of submucosal tissue, including for example at page 27, line 13. Claim 2 has been amended to add the feature that the extension is foldable. Support for this amendment is found, for example, at page 29, line 4, and the paragraph spanning pages 31 and 32. Claim 11 has been amended to remove its recitation of "collagenous" biomaterial, since this feature has been introduced into claim 1 from which it depends. Claim 17 has been amended to require a "collagenous extracellular matrix". This amendment finds support in the original claims and in the specification (see e.g. above-made amendment to the specification). Claim 39 has been amended to require "wherein said extensions include portions extending through said apertures and attached to said tube". This amendment is supported for example at page 31, lines 25-29. Claims 40 and 45 have been amended to require "submucosal tissue obtained small intestine". These amendments are supported for example at page 5, lines 25-26. Claim 41 has been amended to require "submucosal tissue obtained from porcine small intestine". This amendment is supported, for example, at page 10, lines 5-6. These amendments to the claims thus introduce no new subject matter.

The Office Action states an objection to the specification, and certain rejections of claims. For the following reasons, it is believed that all objections and rejections set forth in the Office Action are overcome. Allowance of the application is thus requested.

The Action sets forth an objection to the specification, noting a correction needed for "collagenous extracellular matrix", a term found in the original claims. An amendment to the specification has been made above to address this objection. No new matter is introduced by this amendment.

Claims 1-10, 13-37, and 42-43 stand rejected under 35 USC 102(b) based upon an assertion that they are anticipated by U.S. Patent No. 5,618,299 to Khosravi et al. However, each of these claims now requires a collagenous biomaterial. Khosravi et al. fails to teach this feature. Accordingly, withdrawal of this rejection is solicited.

Claims 31 and 38-41 stand rejected under 35 USC 102(b) based upon an allegation that they are anticipated by Hiles et al., WO98/25543. However, claims 31 and 38-41 require a "lumen wall free from any continuous seam edge traversing the entire length of the tube". To the contrary, Hiles et al. discloses a device having a continuous seam edge traversing the entire length of the lumen wall (see the inner tube 60 that forms the lumen wall, Fig. 56, in which a simple overlap seam is shown). Accordingly, withdrawal of this rejection is solicited.

Claims 11-12 and 44-45 stand rejected under 35 USC 103(a) as being unpatentable over Khosravi et al. in view of Hiles et al. In support of this rejection, the Office Action posits that it would have been obvious to one of ordinary skill in the art to combine the teaching of a medical device including submucosa tissue from Hiles et al. with the expandable stent structures disclosed in Khosravi et al. However, absent in the

Examiner's analysis is why one skilled in the art would have found motivation to use the material of Hiles et al. to form the devices of Khosravi et al. The devices disclosed in Khosravi et al. appear to require a relatively rigid material that creates a biased ratcheting or locking action upon expansion of the device within the vascular lumen. For these purposes, Khosravi et al. discloses certain polymers and metals. Hiles et al. discloses a naturally-derived submucosa tissue material. There is no teaching in Khosravi et al. that a material such as that disclosed in Hiles et al. would be suitable for expandable, ratcheting/locking stent applications such as those described by Khosravi et al. Accordingly, these references lack the necessary motivation to render obvious the present invention. It is therefore submitted that the outstanding rejection, as applied to any remaining claim, would be improper. Withdrawal of the rejection is therefore solicited.

In view of the foregoing, it is believed that this application is in condition for allowance containing claims 1-45. The Examiner is invited to telephone the undersigned attorney if there are questions about this submission or other matters that may be handled in that fashion to expedite the present prosecution.

Respectfully submitted,

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